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OFFICE OF THE COUNTY AUDITOR INTEROFFICE MEMORANDUM

TO: All Council Members
FROM: Lauren M. Smelkinson, County Auditor *LMS*
DATE: December 11, 2012
SUBJECT: Addendum to Council Meeting Notes

Please find attached an addendum (FM-3) to the Council Meeting Notes issued December 6, 2012.

This item will be discussed at the December 11, 2012 work session for the December 17, 2012 Council meeting.

Attachment

cc: notes distribution list

FM-3 (Contract)

Council District(s) 6

Department of Permits, Approvals and Inspections

701 Luthardt Road – Chesapeake Bay Watershed

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 59.36 acres of land for \$787,200 within the Baltimore County Coastal Rural Legacy Area. Roay Ann McNamara and John David Peige currently own the property, which is located at 701 Luthardt Road in Bowleys Quarters. The property is zoned DR-3.5 (Density Residential – 3.5 dwelling units/acre) and RC-20 (Resource Conservation - Critical Area) for residential development in agricultural and watershed areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County	\$ 787,200 ⁽¹⁾	⁽¹⁾ Capital Projects Fund – Baltimore County Coastal Rural Legacy Area Program, including \$186,998 from the Agricultural Preservation Tax revenue account.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 787,200</u>	

Analysis

The Baltimore County Coastal Rural Legacy Area is comprised of seven distinct areas: Gunpowder Delta; Bird River; Dundee/Salt peter; Bowleys Quarters; Back River/Holly Neck; Fort Howard; and Hart/Miller Island. It is the goal of the Coastal Rural Legacy Plan to protect large blocks of forest, wetlands, farms, and other open spaces that are of significant ecological value as habitat for rare, threatened and endangered species and to preserve the environmental benefits that these areas provide to the Chesapeake Bay. The Baltimore County Coastal Rural Legacy Area is ranked third among the County's five Rural Legacy Areas, according to

Resolution 44-12, which the Council approved on June 4, 2012. The Baltimore County Coastal Rural Legacy Area spans approximately 14,243 acres.

The Department of Environmental Protection and Sustainability (EPS) calculated a value of \$787,200 for the easement using the formula set forth by Section 24-5-101 of the Baltimore County Code. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (i.e., size, soil productivity, contribution to agricultural industry, soil and water conservation practices, development pressure, and location) and the willingness of property owners to discount easement prices.

The use of the property will be subject to a deed of conservation easement to be granted to the County and the Gunpowder Valley Conservancy, Inc. by the sellers. The Gunpowder Valley Conservancy, Inc. is a nonprofit organization that receives, holds, and manages land and other natural resources for conservation, preservation, and protection of the environment, for the benefit of the general public, and for educational, scientific, historic, and research purposes.

The property to be acquired is located along Seneca Creek and consists of approximately 59.36 acres, including approximately 22.5 acres of woodlands, and also includes a primary residence, barn, garage, and two other dwelling units. The total number of all dwelling units on the property shall never exceed three. In addition, the easement restricts improvements on the property to the primary dwelling unit, related structures (e.g., garage, well house, boat house, swimming pool), non-residential structures associated with agricultural uses of the property, and reasonable means of access to all permitted uses and structures.

The Department of Permits, Approval and Inspections – Real Estate Compliance Division, advised that 13 acquisitions are needed for this project, all of which require Council approval. As of December 3, 2012, the Council has approved 11 property acquisitions for this project. Estimated project costs total \$8,684,010. As of December 10, 2012, \$6,471,020 has been expended/encumbered for this project, excluding this contract of sale.

County Charter, Section 715, requires Council approval of real property acquisitions where the purchase price exceeds \$5,000.

EXECUTIVE SUMMARY

PROGRAM TITLE:	Coastal Rural Legacy
PROJECT NO.:	217-0002-0003
FISCAL MATTER:	Contract of Sale
SELLERS:	Roay Ann McNamara and John David Peige
PROPERTY INTEREST TO BE ACQUIRED:	59.36 acres of land in fee simple
LOCATION:	701 Luthardt Road Baltimore, Maryland 21220
PURCHASE PRICE:	\$787,200.00
IMPROVEMENTS AFFECTED BY ACQUISITION:	None
PURPOSE OF PROJECT:	To protect natural forestland and open space in the Chesapeake Bay watershed within the Coastal Rural Legacy area.
LIMITS OF PROJECT:	The Coastal Rural Legacy area